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HOUSE OF REPRESENTATIVES  
GOVERNMENTAL RESPONSIBILITY COUNCIL  
1998 SUMMARY OF PASSED LEGISLATION

COMMITTEE ON AGRICULTURE

**CS/3RD ENG/HB 209 -- Sales Tax/Farm Equipment**  
**by the Committee on Agriculture, Representative Ziebarth and**  
**others**

(CS/SB 984 by Senate Ways and Means and Senator Harris)

Extends the existing 3 percent partial sales tax exemption to farm equipment that is power-driven and used in the plowing, planting, cultivating, or harvesting of products by the agricultural industry.

- Defines "self-propelled farm equipment," "power-drawn farm equipment," "power-driven farm equipment," and "forest," and revises application of the partial exemption (3 percent) for self-propelled or power-drawn farm equipment.
- Provides that rental of self-propelled, power-drawn, or power-driven farm equipment shall be taxed at the rate of 3 percent, rather than 6 percent.

The effective date of this bill is October 1, 1998.

**CS/HB 489 -- Ad Valorem Tax/Agricultural Crops**  
**by the Committee on Agriculture, Representatives Minton, Putnam**  
**and others**

(SB 410 by Senator Bronson)

Specifies types of additional use factors, reflective of standard present practices of agricultural use and production, that property appraisers may

consider in assessing agricultural land.

- Provides "WHEREAS" clauses stating the policy of the state to conserve and protect and encourage the development and improvement of its agricultural lands for the production of food and other agricultural products and describing the history and use of the "Greenbelt Law".
- Provides that property appraisers, when using the income methodology approach, shall rely on 5-year moving average data for assessment.

The effective date of this bill is upon becoming a law, and shall first apply to assessments effective January 1, 1999.

**CS/CS/1ST ENG/HB 1847 -- Agricultural Emergency Eradication Trust Fund**  
**by Committees on General Government Appropriations and Agriculture**  
(Passed as 1ST ENG/SB 1010 by Senator Bronson)

- Creates the Agricultural Emergency Eradication Trust Fund.
- Prescribes its uses.
- Defines an "agricultural emergency" as an animal or plant disease, insect infestation, or plant or pest endangering or threatening the horticultural, aquacultural, or agricultural interests in the state.

The bill also transfers funds for fiscal year 1998-99 to the appropriate trust fund.

The effective date of this bill is July 1, 1998.

**1ST ENG/HB 3115 -- Ferrets/Rabies Vaccination**  
**by Representative Futch (1ST ENG/SB 1384 by Senator Forman)**

Provides for rabies vaccination of ferrets, and for quarantine according to rules.

The effective date of this bill is January 1, 1999.

**CS/1ST ENG/HB 3479 -- Agriculture Emergencies**  
**by Committees on General Government Appropriations and Agriculture**  
(Passed as CS/2ND ENG/SB 1088 by Senator Bronson)

Provides funding for the Agricultural Emergency Eradication Trust Fund (SB 1010). Funding sources include:

- Unclaimed agricultural gas taxes currently deposited into the Fuel Tax Collection Trust Fund.
- \$1 million appropriation from general revenue.

The effective date of this bill is July 1, 1998.

## **1ST ENG/HB 3641 -- Eradication of Agricultural Pests**

**by Representative Murman**

(Passed as CS/2ND ENG/SB 926 by Senate Agriculture and Senator Lee)

Prescribes duties of the Department of Agriculture and Consumer Services and the Department of Health regarding programs of emergency aerial application of pesticide for eradication of plant pests. Specifically, the bill:

- Requires use of certain pesticides.
- Requires the development of a system for informing the public of such pest eradication programs.
- Provides for information to be furnished to health care providers in affected area.
- Provides for the establishment of a health advisory committee.

The effective date of this bill is July 1, 1998.

## **CS/2ND ENG/HB 3671 -- Timber Management**

**by the Committee on Agriculture and Representative Sembler**

(CS/SB 840 by Senate Agriculture and Senator Bronson)

Provides direction to Division of Forestry of the Florida Department of Agriculture and Consumer Services (division) to manage timber resources on state-owned lands to generate revenue in multiple-use environments. Additionally, the bill:

- Requires that the division or any qualified professional forester prepare a timber resource management feasibility component for state-owned land management analyses (for parcels over 1,000 acres), providing the lead management agency determines the timber resource management is not in conflict with the primary management objectives of the parcel.
- Defines "practicing sustainable forest management" as meeting the needs of the present without compromising the ability of future generations to meet their own needs by practicing a land stewardship ethic which integrates the reforestation, managing,



growing , nurturing, and harvesting of trees for useful products with the conservation of soil, air and water quality, wildlife and fish habitat, and aesthetics.

- Provides legislative intent that the lead management agency develop a memorandum of agreement with the division to fully reimburse the division for any services provided for the feasibility assessments or timber resource management.
- Requires that all additional revenues generated through multiple-use management be returned to the lead agency and placed in an agency trust fund to be available to the agency in subsequent years to support land management appropriations.
- Mandates that the Land Acquisition and Management Advisory Council, in reviewing the recommendations and plans for state-owned lands, specifically consider management of timber as a feasible multiple-use strategy for state-owned lands.
- Requires that water management districts prepare land management plans in a manner and form prescribed by the governing board of the district and also meet the timber resource management requirements of section 253.034(5), F.S., which addresses the preparation and submission of land management plans.
- Directs the division to immediately begin an aggressive program to reforest and afforest lands over which the division has forest resource management responsibility.
- Provides for four positions and appropriates \$159,461 from the Incidental Trust Fund for fiscal year 1998-1999.

The effective date of this bill is upon becoming a law.

**CS/2ND ENG/HB 3673 -- Aquaculture**  
**by the Committee on Agriculture and Representative Bronson**  
(CS/SB 1924 by the Committee on Natural Resources and Senator Bronson)

- Transfers the regulatory authority for aquaculture to the Department of Agriculture and Consumer Services, with the exception of those areas required by federal law, rule, or cooperative agreement to be regulated by another agency.
- Provides added protection for aquaculture products produced on submerged land leases.
- Clarifies jurisdiction over aquaculture activities and streamlines the permit consolidation process.
- Provides for the harvest or possession of saltwater species for experimental, scientific, education, and/or exhibition purposes.
- Provides that fees may be transferred to the General Inspection Trust Fund to provide marketing and education services with respect to alligator products produced in this state.
- Provides that a list of prioritized research needs for the development of the aquaculture industry be submitted to the leadership of the House and Senate, as well as the Governor, on an annual basis.
- Modifies hunting and fishing licenses.
- Provides for payment of expenses for wildlife seized or taken by the Game and Fresh Water Fish Commission.
- Proposes a user-pay program for private landowners who wish to allow public access for hunting, fishing, and other outdoor recreational activities on their land.

The effective date of this bill is July 1, 1998.

**HB 3685 -- Food and Building Permits**  
**by the Committee on Agriculture and Representative Bronson**  
(Passed as SB 230 by the Committee on Agriculture and Senator Ostalkiewicz)

Reenacts sections of the Food Safety Act that were due to sunset on October 1, 1998 unless reenacted. Specifically, the bill:

- Readopts certain provisions regarding food permits and building permits.
- Provides penalties for violations of such permits.

The effective date of this bill is July 1, 1998.

**CS/HB 3693 -- Agricultural Sales**  
**by the Committee on Agriculture and Representative Heyman and others**  
(Passed as CS/1ST ENG/SB 1294 by the Committee on Agriculture and Senator Gutman)

Revises the "Florida Avocado, Mango, Lime and Tomato Sales Law" to the "Florida Tropical or Subtropical Fruit and Vegetables Sales Law."

Additionally, the bill:

- Directs commercial packers or shippers of tropical or subtropical fruit or vegetables to accept such fruit or vegetables only if delivered in standard industry field containers and provides that violators shall have such produce confiscated. The bill establishes a penalty for this violation and increases penalties for violations of documentation requirements.
- Defines "tropical or subtropical fruit," as avocados, bananas, calamondins, carambolas, guavas, kumquats, limes, longans, loquats, lychees, mameys, mangoes, papayas, passion fruit, sapodillas, and fruit that must be grown in tropical or semitropical regions, excluding citrus fruit.

- Defines “vegetables” as tomatoes, peppers, squash, cucumbers, leafy greens, green beans, eggplant, sweet corn, and cabbage.

The effective date of this bill is October 1, 1998.

**CS/1ST ENG/HB 4051 -- Florida Agricultural Development Act  
by the Committee on Agriculture and Representative Ziebarth  
(CS/CS/SB 1994 by the Senate Committees on Governmental Reform and  
Oversight and Agriculture and Senator Cowin)**

Creates the Florida Agricultural Development Act, establishing the Florida Agricultural Development Authority (authority). The purpose of the authority is to manage programs which assist farmers, beginning farmers, and agribusinesses in acquiring land, improvements, technology, and depreciable agricultural property for the purpose of farming, and soil and water conservation practices, and manage programs which provide financial support to farmers who have transitioned out of existing agricultural activities into new or alternative agricultural crops or that emphasize value-added commodity ventures.

- Establishes beginning farmer loan programs and alternative agriculture assistance programs in which the authority operates as a facilitator between farmers and financial institutions.
- Authorizes the authority to issue tax exempt “aggie bonds” to lending institutions to fund agricultural loans and to participate in any federal programs designed to assist beginning farmers.
- Allows the authority to develop programs to assist qualified producers, processors, and manufacturers of agriculture products and support organizations within the state with financing research and development and other capital requirements or operating expenses.
- Directs the authority to function as a public entity and requires that it be composed of nine members, including the Commissioner of Agriculture or a designee who will act in an ex-officio, non-voting capacity. Five standing members will have 4-year terms, and three at-large members appointed by the Commissioner of Agriculture will have 3-year terms.

- Requires that the authority prepare an annual report to be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Auditor General.
- Establishes the agricultural development bond pool, which has an annual state volume allocation of \$10,000,000 for the first year.

The effective date of this bill is of the year in which it is enacted or upon becoming a law, whichever is earlier.

**HB 4155 -- Tax Exemption/Products for Livestock  
by Representative Boyd (CS/SB 680 by Senator Kirkpatrick)**

Provides an exemption for the sale of performance-enhancing and growth-enhancing products for cattle and generators used on poultry farms.

The effective date of this bill is July 1, 1998.

**1ST ENG/HB 4165 -- Department of Agriculture and Consumer  
Affairs  
by the Committee on Agriculture and Representative Bronson  
(Passed as 2ND ENG/SB 1944 by Senator Thomas)**

Addresses needs and functions in the Florida Department of Agriculture and Consumer Services (department). Specifically, the bill:

- Prohibits administering medications to any thoroughbred horse within 72 hours of being offered for licensed public sale, unless notification is given and the horse is available for examination by the department, and authorizes the collection of blood for testing, establishes penalties, and provides definitions.
- Requires that anyone in the business of transporting dead, dying,

disabled, or diseased animals obtain a permit and provides vehicle and container requirements.

- Allows the department's food and residue laboratories to contract out and conduct analyses for outside agencies or entities requesting services regarding food safety. Authorizes the department to collect fees to be used solely to recover the costs of the services provided.
- Directs the department to post a "closed-for-operation" sign on any food establishment operating without a permit or a revoked or suspended permit. Establishes that it is a second degree misdemeanor to deface or remove such sign or to open for operation without a permit or with a revoked or suspended permit.
- Authorizes the department to create an employees' benefit fund.
- Revises three memberships of the Florida Agriculture Center and Horse Park Authority. Enterprise Florida Inc. replaces the Department of Commerce representative and the Appaloosa and paint breeds are combined into "color breeds." A Paso Fino breed representative is also created.
- Changes the expiration date for membership in the Florida Agricultural Promotional Campaign from July 1 to the anniversary date of the original membership. (This will provide each member with an entire year of benefits.)
- Gives authority for the department to conduct, assist, or cooperate with others in conducting a commercial citrus inventory.
- Requires the department to deem an animal product misbranded if it is not labeled with the official U.S.D.A. inspection legend.
- Allows funding for the Citrus Budwood Registration Program to come from budget transfers within the department's operating budget if the federal government determines that this program cannot be funded from the Citrus Inspection Trust Fund.
- Prohibits fining an owner of a shopping cart found on public property, unless the owner or an employee acting on the owner's behalf removed the cart from the premises of the establishment.

- Provides that nonresidential buildings on farms are exempt from the Florida Building Code and county and municipal codes.
- Repeals the sunset on the Food Safety Act. Repeal of this repealer is needed to maintain the existing regulation over individuals operating retail food establishments.

The effective date of this bill is upon becoming a law.

**CS/1ST ENG/HB 4221 -- Amusement Rides**  
**by Committee on Agriculture** (Passed as CS/2ND ENG/SB 1460 by the  
Committee on Agriculture and Senator Forman)

Rewrites and reorganizes the current amusement ride statutes.  
Specifically, the bill:

- Provides safety standards for amusement rides.
- Requires adoption of specified standards and rules.
- Prohibits operation of said rides without permit and affidavit of compliance.
- Provides for testing and inspection of said rides.
- Provides insurance requirements.
- Prohibits specified bungy operations.
- Provides accident reporting requirements.

The effective date of this bill is October 1, 1998.

**HB 4345 -- Citrus Industry/Rulemaking Authority**  
**by Representative Spratt and others** (Passed as CS/CS/1ST ENG/SB  
1046 by Senate Agriculture and Senator Bronson)

Authorizes the Department of Citrus to adopt a rule listing forms used by the department in conducting its business and providing that the list is sufficient notice to the public of the forms' existence. Additionally, the bill:

- Authorizes the Florida Citrus Commission to refer to national or state requirements in rules relating to issuance and use of symbols, certification marks, service marks, and trademarks.
- Allows the Florida Citrus Commission to prescribe by rule that a citrus fruit producer contract must contain certain information considered by the commission to be necessary to protect the producer from deceptive practices.

The effective date of the bill is upon becoming a law.

**1ST ENG/SB 734 -- Fuel Measuring Devices**  
**by Senator Bronson** (HB 4165 by the Committee on Agriculture)

A rule authorization bill:

- Provides for repair and adjustment of fuel measuring devices by meter mechanics.
- Provides for notification of the Department of Agriculture and Consumer Services when seal has been broken and repairs or adjustments made.

The effective date of this bill is April 30, 1998.

**1ST ENG/SB 770 -- Firefighter Training and Certification**  
**by Senator Diaz-Balart** (no House companion)

A Rule Authorization Bill which allows the Division of State Fire Marshal of the Florida Department of Insurance to issue certificates to persons who are administrative and command heads of fire, rescue and emergency services organizations. The certificate exempts such persons from the



physical dexterity portion of the firefighter exam, based on the acknowledgment that such persons are less likely to need physical dexterity and more likely to need advanced knowledge of firefighting and supervisory skills, and is valid only while persons are serving in a positions as administrative and command heads.

- Provides guidelines for certain reexaminations.

The effective date of this bill is July 1, 1998.

#### COMMITTEE ON COMMUNITY AFFAIRS

**CS/1ST ENG/HB 29 -- Ad Valorem Tax Exemption/Non-profits by Community Affairs, Representative Green & others (SB 864 by Senator Meadows)**

- Allows a property owner that qualifies as a charitable organization and that is otherwise entitled to a charitable exemption, but has failed to timely file an application due to an inadvertent error, to file an application for exemption. Requires property appraisers to consider and grant the charitable exemption if it is determined the property would have been entitled to the exemption. Taxes assessed and outstanding tax certificates on such property shall be canceled and, if paid, refunded. This special process applies only to 1994 tax year exemptions and expires 1 year after the bill takes effect.
- Modifies the guidelines for determining profit or nonprofit status for purposes of the property tax exemption.

Except as provided within the bill, the effective date is upon becoming a law.

**1ST ENG/HJR 125 -- Recording of Instruments/County Seat  
by Representative Gay & others (SJR 1610 by Senator Harris)**

Proposes amending the Florida Constitution to allow county records to be filed at branch offices of the county clerk's office. Branch offices are designated by the county commission. The resolution provides ballot language.

If approved at the November 1998 general election, the effective date as an amendment to the Constitution is the first Tuesday after the first Monday in January 1999.

**2ND ENG/HB 627 -- Community Policing Innovations  
by Representative Goode & others (SB 474 by Senator Dyer)**

Provides additional authority to local governments to fund community policing innovation programs within community redevelopment areas and safe neighborhood improvement districts. Includes community policing innovations as an authorized activity of community redevelopment agencies (CRAs).

- Authorizes local governments to use redevelopment trust funds for the development and implementation of community policing innovations.
- Authorizes tax increment revenues to be used to pay for the construction or expansion of administrative buildings for public bodies or police and fire buildings if the construction or expansion is contemplated as part of a community policing innovation.
- Authorizes certain neighborhood districts to use special assessments to fund community policing innovations that include crime prevention activities.
- Exempts local governments or CRAs from complying with existing property disposition procedures under specific circumstances.

The effective date of this bill is upon becoming a law.

**HB 791 -- Municipal Water and Sewer Utilities**  
**by Representative Heyman (SB 950 by Senator Silver)**

Repeals the exclusion from rate limitations of municipal utilities in home rule charter counties with fee regulations established prior to May 1, 1988. This bill would make all municipal utilities providing services to consumers outside their city limits but within the confines of one county, subject to the same fee and rate limitations contained within other subsections of this section of the law. This bill may cause a slight increase in revenue by an indeterminate amount for qualified municipal utilities in home rule charter counties.

The effective date of this bill is upon becoming a law.

**1ST ENG/HB 1555 -- Property Owners/Assessment Notice**  
**by Representative Harrington (CS/SB 492 by Senate Community Affairs and Senator McKay)**

Extends the deadline for noticing petitioners, from 5 to 15 calendar days, of their scheduled appearance before the value adjustment board. Additional notification deadline changes include:

- Requires 30 days written notice, rather than 10 days written notice, as to the time and place for a public hearing to consider the imposition of a special assessment upon property.
- Extends the time of the initial hearing of the county value adjustment board from 45 to 60 days after the notification to certain taxpayers of their property tax assessment.

The effective date of this bill is upon becoming a law.

**CS/CS/HB 1589 -- Small Counties**  
**by Representative Westbrook & others (CS/SB 2086 by Senate Community Affairs and Senator Williams)**

Provides the following relating to small counties:

- Once a small county meets the population requirements and qualifies for certain programs it shall retain that qualification until it exceeds a population of 75,000.
- Authorizes boards of county commissioners to assign collection of past due fines and costs to a private attorney or collection agency and authorizing fees for such purposes.
- Increases the maximum population limit to qualify as a small county in provisions that establish a technical assistance program for small counties.
- Raises the minimum population level for emergency and supplemental distributions from the Local Government Half-cent Sales Tax Clearing Trust Fund from 50,000 to 65,000.
- Revises the population limitation for purposes of provisions which exempt small counties from certain criteria imposed to qualify for an emergency distribution from 50,000 to 75,000.
- Deletes a requirement that a county must be eligible for an emergency distribution in order to qualify for a supplement distribution.
- Deletes the expiration date for annual solid waste and recycling grants to small counties.
- Creates a process for a waiver of permit processing fees under certain circumstances.

The effective date of this bill is July 1, 1998.

**CS/HB 1605 -- Ad Valorem Tax/School Districts**  
**by Finance & Taxation and Representative Eggelton** (CS/SB 124  
 by Senate Community Affairs and Senator Forman)

This bill changes the "Notice of Tax Increase" for school boards to conform with the "Notice of Tax Increase" for all other taxing authorities, which was amended by the 1996 legislature and amends § 200.065(9)(a), Florida Statutes, changing the second "Truth in Millage" (TRIM) advertisement for school boards under certain conditions.

The effective date of this bill is January 1, 1999.

**2ND ENG/HB 1649 -- Veterans' Homes/ Jenkins Veterans Domiciliary**  
**by Representative Gay & others (SB 594 by Senator Brown-Waite)**

Designates the Veterans' Domiciliary Home in Lake City, Florida as the "P.F.C. Robert H. Jenkins Veterans' Domiciliary Home of Florida." In addition, the bill:

- Provides statutory authority for this domiciliary to provide extended congregate care to residents. The effect of the bill is to fully utilize the facility and offer a level of care to veterans not currently offered at the other state-owned nursing home facility in Daytona Beach, Florida.
- The 1996 Legislature appropriated positions and money for this level of care at the Domiciliary. The potential savings to counties in Medicaid costs is positive. The bill eliminates a \$55 Medicaid charge per county resident for those veterans qualified for placement in the assisted care portion of the Veterans' Domiciliary in Lake City, Florida.

The effective date of the bill is April 22, 1998. (See chapter 98-16, L.O.F.).

**1ST ENG/HB 3113 -- Community Contribution Tax Credits**  
**by Representative Fuller, Murman & others (Passed as CS/SB 192**  
**by Senate Ways and Means and Senator Horne)**

Increases the total amount of Community Contribution Tax Credits that may be granted to corporations and insurers that participate in public revitalization projects, such as enterprise zones. The annual increase of allowable credits is from \$2 million to \$5 million.

The effective date of this bill is July 1, 1998.

## **HB 3135 -- Veteran/Term Redefined**

**by Representative Harrington & others** (Passed as SB 1260 by Senator Harris)

Redefines the term "veteran" for the purposes of the Florida law; increases the number of veterans that may benefit from statutory benefits granted to wartime veterans; redefines the Vietnam Era as the time period of February 28, 1961, to May 7, 1975. (Current law designates the Vietnam Era as the time period of August 5, 1964, to May 7, 1975.)

The effective date of this bill is upon becoming a law.

## **2ND ENG/HB 3225 -- Enterprise Zones/Authorizing Certain Credits and Boundary Changes**

**by Representative Murman** ( CS/SB 300 by Senate Ways & Means and Senator Hargrett)

Provides several changes to certain enterprise zones throughout the state, as follows:

- A business purchased in February 1992, within an existing enterprise zone in Tampa, is entitled to all the enterprise zone incentives available at that time through the period of the program's expiration in 1994. Provides that the business is eligible to receive tax credits to which it may be entitled as long as applications for tax credits are made by December 1, 1998. All other requirements of the program apply to the business.
- A certain enterprise zone designated pursuant to statute, (Jackson County, Florida) may apply to the Office of Tourism, Trade, and Economic Development (OTTED) to amend the boundaries of the enterprise zone. This must be accomplished before December 31, 1998, for the purpose of replacing areas not suitable for development. The change in boundaries may not increase the overall size of the enterprise zone. Provides that certain home rule charter counties (Dade) or a consolidated county (Duval) may amend the boundaries of an enterprise zone upon resolution of the governing bodies. The added area may not increase the overall size of the expanded zone more than its original size or 20 square miles, whichever is larger. The expansion must be consistent with the categories, criteria and limitations imposed by statute.

- An extension for one year to the date Dade County may apply to OTTED to amend the boundary lines of an enterprise zone located in the areas of Homestead, Florida where the center of Hurricane Andrew crossed over the state.
- A business located in an enterprise zone in a community impacted by the net ban is eligible for the maximum sales tax exemption for building materials used in the rehabilitation of real property in an enterprise zone and for electrical energy used in an enterprise zone. Also entitles the business in the enterprise zone a property tax credit against the corporate income tax if a specified percentage of its employees are residents of the jurisdiction of the county rather than the enterprise zone. Provides certain time restrictions for which application must be made.
- The sum of \$1.2 million is appropriated from general revenue to OTTED to be administered by Enterprise Florida and used for grants-in-aid to the Technological Research and Development Authority.

The effective date of the bill is July 1, 1998.

**HB 3269 -- Special Districts**  
**by the Committee on Community Affairs and Representative Gay**  
 (SB 1032 by Senator Rossin)

Clarifies certain provisions pertaining to special districts, such as:

- Requires that for independent districts, created by counties or municipalities, with ad valorem taxing powers, the same procedure required to grant such independent districts taxing power (i.e., approval by electorate) must also be used to dissolve or merge the district.
- Provides that candidates for governing boards of *single and multi-county* special districts must qualify by either paying a fee (minimum of \$25 or 3 percent of the salary or honorarium paid for

the office, whichever is more) or by the alternative petition method requiring 3 percent of the district's registered electors or any lesser amount of signatures as provided by other chapters or special acts.

- Amends the provision relating to the date and circumstance of legislative codification of independent special districts' charters; provides that the Legislature may adopt a schedule for the codification process; removes the requirement that no substantive changes be made to a district's charter, as it exists on October 1, 1997, in the codification.
- Authorizes special districts to offer extra compensation programs including lump sum bonus payments to reward outstanding employees, as long as the bonus is not included in the employees' regular base rate of pay and is not carried forward in subsequent years.

The effective date of the bill is upon becoming a law, except that the provision relating to candidate qualification is effective January 1, 1999.

**CS/1ST ENG/HB 3287 -- Affordable Housing (Glitch Bill)**  
**by the Committee on Community Affairs and Representative Gay & others** (CS/SB 1156 by the Senate Committee on Governmental Reform and Oversight and Senator Dyer)

This "glitch bill" clarifies language and updates the action taken by the 1997 Legislature, which reconstituted the Florida Housing Finance Agency (FHFA) as the Florida Housing Finance Corporation (FHFC). Substantive changes include the following:

- Requires that in the event the FHFC does not comply with performance measures outlined in their contract with the Department of Community Affairs, the Governor must direct the Inspector General to investigate such nonperformance. During such time, the Governor may request that the Office of the State Comptroller continue advances sufficient to meet the debt service requirements of the FHFC.
- Provides that the FHFC is an instrumentality of the State of Florida.



- Expands the general powers of the corporation to include a power to bond for infrastructure, primarily related to housing.

The effective date of the bill is upon becoming a law.

**CS/1ST ENG/HB 3345 -- Wrecker Operator/Vehicles and Vessels by Community Affairs, Representative Lacasa & others (CS/SB 710 by Senate Transportation, Senator Silver & others)**

Establishes unlawful activities under city, county, or state operated wrecker operator systems and provides penalties for such prohibited acts. Creates impounded vehicle hold procedures for investigating agencies and wrecker operators. Expands existing wrecker license tax fees and vehicle towing and impounding provisions to include vessels. Extends court imposed vehicle impoundment or immobilization to vehicles leased or rented by certain offenders.

The effective date of this bill is October 1, 1998.

**CS/HB 3369 -- Inland Waterway Management by Community Affairs and Representative Gay (CS/SB 1256 by Senate Natural Resources and Senator Harris)**

This bill authorizes the Florida Inland Navigation District (FIND) and the West Coast Inland Navigation District (WCIND) to enter into cooperative agreements with the Federal Government in order to alleviate problems associated with their waterways. In addition, the bill:

- Expands the scope of cooperative agreements, with Federal, state, member counties and local governments, to include local and regional anchorage management and beach nourishment projects.
- Authorizes FIND and WCIND to enter into cooperative agreements with the United States Army Corp of Engineers for the purposes of

a covenant to share in the costs of acquisition, planning, development, construction, reconstruction, extension, improvement, operation and maintenance of projects.

- Authorizes FIND and WCIND to enter into ecosystem management agreements with the Florida Department of Environmental Protection (DEP).
- Clarifies that a district may waive the requirement for matching funds on a project from member counties and local governments.
- Authorizes DEP to enter into a memorandum of agreement with FIND and WCIND to provide a supplemental process for issuance of joint coastal permits.

The effective date of this bill is upon becoming a law.

**HB 3477 -- Determination of Millage**  
by Representative Bronson (SB 560 by Senator Bronson)

Authorizes taxing authorities to adopt the tax levies and budgets of all of their dependent special taxing districts by a single, unanimous vote. The bill provides however, that if a member of the general public requests that the tax levy or budget of a dependent special taxing district be separately discussed and separately adopted, the taxing authority shall discuss and adopt that tax levy or budget separately.

The effective date of this bill is upon becoming a law.

**HB 3863 -- Modifications to the Coastal Zone Protection Act**  
by Representatives Argenziano and Stabins (SB 1404 by Senator Brown-Waite & others)

Provides a substantive modification to the Coastal Zone Protection Act which itemizes "nonstructural interior finishings" within the definition of "substantial improvement." The modification serves to make it easier for local governments to understand and implement the pertinent provisions of the Coastal Zone Protection Act, and allows certain property owners to more accurately determine their cumulative costs under the "substantial improvement" provision.

The effective date of this bill is upon becoming a law.

**CS/CS/HB 4181 -- Statewide Unified Building Code**  
**by the Committees on Transportation & Economic Development**  
**Appropriations and Community Affairs and Representative**  
**Constantine & others (CS/CS/SB 1190 by the Senate Committee on**  
**Governmental Reform and Oversight, Senator Clary and Senator Meadows)**

Provides for a Unified Statewide Building Code that encompasses all of Florida's public and private built environment. Specific provisions include:

- Provides that local governments will not re-adopt the code (which will provide immediate uniformity). New editions of the code would be published every third year.
- Provides that statewide technical amendments to the Florida Building Code can be made annually.
- Authorizes local governments to enact technical amendments to the statewide code, which would be effective in the local jurisdiction, subject to the provisions of chapter 553, F.S.
- Provides that the initial interpretation of the Florida Building Code is performed by the local building official; a declaratory statement of interpretation may be issued by the Florida Building Commission.
- Reconstitutes the current Board of Building Codes and Standards within the Department of Community Affairs as the Florida Building Commission.
- Creates new duties for local governments pertaining to the inspection of many facilities now permitted and inspected by state agencies.
- Makes contractors accountable for material code violations and provides fines and disciplinary provisions for all licensees.

- Requires the development of a core curriculum for training related to the Florida Building Code and requires training for all licensees.
- Requires continuing education for engineers and landscape architects.
- Requires the Florida Building Commission to develop a statewide product approval system. Local building officials must accept any state approved products that are being utilized for the purposes which they are approved. However, they may approve new products for use within their jurisdiction under the guise of new technology.
- Expands and changes the promulgating powers of the State Fire Marshal to provide consistent processes with the Florida Building Commission.

The effective date of this bill is July 1, 1998.

**1ST ENG/HB 4225 -- Taxation (Property Appraisers Duties)**  
**by Representative Carlton & others** (Passed 1ST ENG/SB 2222 by  
 Senator McKay & others)

Allows property appraisers to correct a material mistake of fact in an appraisal within a one year period, rather than within a 60-day period as provide in current law; allows the property appraiser to directly submit a correction and refund order to the tax collector, rather than first requesting approval for the refund from the Department of Revenue; authorizes tax collectors to implement an installment payment program for delinquent personal property taxes; and prohibits holders of tax certificates from contacting property owners and demanding payment of taxes.

The effective date of this bill is October 1, 1998.

**1ST ENG/HB 4261 -- Ad Valorem Taxation/Tornado Damaged Property**  
**by Representative Bronson & others** (SB 1954 by Senator Bronson & others)

Allows a partial abatement of ad valorem taxes for residential property destroyed or damaged by a tornado, and establishes time limits and procedures for obtaining such partial abatement.

The effective date of this bill is upon becoming a law and shall be retroactive to January 1, 1998, and shall apply to ad valorem taxes levied in 1998.

**CS/CS/1ST ENG/HB 4377 - Comprehensive Planning/Schools  
by Representative Pruitt & others** (Passed CS/2ND ENG/SB 2474 by  
Senate Community Affairs and Senator Lee)

Relates to growth management, land use planning, and school concurrency by including provisions which:

- Renames the Division of Resource Management.
- Defines the term "optional sector plan."
- Requires that the future land use element of a local government's comprehensive plan include certain criteria relating to school siting.
- Modifies de minimis standards for transportation concurrency.
- Revises requirements for imposition of a school concurrency requirement by a local government and for the local government comprehensive plan or plan amendment to implement such requirement.
- Requires adoption of a public schools facilities element before permitting the imposition of a districtwide school concurrency plan.
- Requires intergovernmental coordination requirements be satisfied and provides that certain municipalities are not required to be a signatory of the required interlocal agreement.
- Requires municipalities to evaluate their status and enter into the interlocal agreement when required, and provides effect of failure to do so.

- Directs the state land planning agency to adopt by rule minimum criteria for review and determination of compliance of a public schools facilities element.
- Prohibits local governments from amending comprehensive plans until after adoption of an evaluation and appraisal reports. Revises requirements for evaluation and appraisal reports. Provides for the local planning agency's periodic report on the coordination of the comprehensive plan with public schools.
- Directs school boards to adopt, annually, 10-year and 20-year work programs, in addition to the required 5-year district facilities work program and utilize certain enrollment and population projections.
- Provides direction to school boards with respect to school siting.
- Provides for the implementation of an alternative public schools concurrency system by counties subject to a final order by the Administration Commission.
- Authorizes the adoption of optional sector plans under certain circumstances.
- Requires a municipality to notify the county of voluntary annexation ordinances.
- Revises responsibilities of the Executive Office of the Governor relating to strategic regional policy plans.
- Creates a committee to be appointed by the Governor to review the state comprehensive plan.
- Revises the definition of the state comprehensive plan.
- Revises review responsibilities of the Executive Office of the Governor. Redefines the term "regional policy plan."
- Revises criteria for military base reuse plan and provides conditions for the award of certain grants.
- Adds day care facilities as an issue in the development-of-regional-impact review process.

- Deletes a consistency requirement for certain Florida Quality Developments and adds an element to federal consistency review.
- Creates the Transportation and Land Use Study Committee and requires the committee to report to the Governor and the Legislature.
- Repeals the resource planning and management committee for the Apalachicola Bay Area.

The effective date of this bill is upon becoming a law, except as otherwise provided in the act.

**SB 1700 -- DCA Rulemaking Authority/RAB**  
**by Senator Dyer** *(No House Companion)*

Covers rules relating to the Manufactured Buildings Program within the Department of Community Affairs Division of Housing and Community Development. The bill authorizes the department to adopt rules in the following subject areas:

- Construction and modification requirements for manufactured buildings and building modules.
- Collection and remittance of surcharges to finance the program.
- Reporting requirements for local enforcement agencies.
- Administration of the statewide uniform building energy-efficiency rating system.

The effective date of this bill is upon becoming a law.

**CS/SB 1702 - Rulemaking Authority of the Department of Community Affairs and the Land and Water Adjudicatory Commission/RAB**

**by Senate Community Affairs and Senator Dyer** *(No House Companion)*

- Authorizes the Florida Land and Water Adjudicatory Commission to adopt rules relating to community development and water management districts.
- Requires each local government comprehensive plan to include debt management standards in the capital improvements element.
- Provides for the adoption and review of plan amendments and clarifies that all municipalities are required to adopt land development regulations to implement municipal plans and plan amendments.
- Adds the Department of Environmental Protection to the list of specified agencies that a local government must transmit a complete copy of its proposed plan or plan amendment for review.
- Ensures conformity with the uniform rules of procedure.
- Directs local governments to perform certain activities relating to evaluation and appraisal reports.
- Allows the Department to issue clearance letters, upon request, as to whether a development may required to undergo development-of-regional-impact review.
- Prevents reviewing agencies from objecting to the use of assumptions and methodologies agreed upon during preapplication procedures. Allows for another preapplication conference to be held if an application for development approval is not submitted within 1 year.
- Provides for supplemental authority to adopt rules pertaining to 1) the criteria for abandonment of developments of regional impact; 2) development orders in designated areas of critical state concern; and 3) procedures and criteria for evaluation of subgrant applications under the federal Coastal Zone Management Act.

The effective date of this bill is upon becoming a law.





## COMMITTEE ON ELECTION REFORM

**CS/1ST ENG/HBs 3743 & 3941 -- Election Fraud**  
by Representatives Morse, Meek and Garcia (Passed as CS/2ND  
ENG/SB 1402 by Senator Latvala & others)

### ***Voter Registration***

- **Voter Registration Card; mailing** -- Requires supervisors of elections to send a voter registration card to a voter's residence address by nonforwardable mail; provides exceptions.
- **Residency; homestead exemption** -- Requires voter to list address where he or she has been granted a homestead exemption, if any; requires the supervisor to forward to the property appraiser the name of each person who registers to vote at an address other than where homestead is claimed; requires the property appraiser to examine each such referral and if the person is not entitled to the exemption, to terminate the homestead exemption and assess back taxes.
- **Photo ID** -- Requires a photo ID for voting. If the elector does not have a photo ID, the elector must fill out an affidavit attesting to the elector's identity and eligibility to vote.
- **Central Voter File; database comparison** -- Requires periodic cross-referencing of the Central Voter File against other databases to identify ineligible voters.
- **Voter Registration Form; Social Security Number** -- Requires voter to submit the last four digits of his or her Social Security Number on the voter registration application.

### ***Absentee Voting Procedures***

- **Third Party Ballot Requests; telephone requests** -- Limits telephone and written requests for absentee ballots to the elector, the elector's immediate family, or the elector's legal guardian. Requires certain information regarding the voter and the requestor.
- **Ballot envelope; voter's certificate; instructions** -- Includes a notice of the potential for felony penalties.

- **Identification of Absent Elector** -- Requires the absent elector to include the last four digits of his or her Social Security Number on the Voter's Certificate.
- **Ballots; delivery to voters** -- Authorizes the following four delivery methods:
  1. Mail absentee ballots non-forwardable to mailing address on file with the supervisor, with several exceptions.
  2. By personal delivery to the elector.
  3. By delivery to a third-party designee up to 4 days before the day of an election.
  4. By forwarding mail to voters covered under the Uniformed and Overseas Citizens Voting Act.
- **Ballot; marking** -- Requires elector to personally vote the ballot, except electors requiring assistance due to blindness, disability, or inability to read or write.
- **Ballots; witnessing requirements** -- Requires witnessing by either: (1) one notary or other officer authorized to administer oaths; or (2) one registered Florida voter, limited to witnessing five ballots per election (excluding absentee ballot coordinators) required to include signature, printed name, address, registration ID number, and county of registration on ballot envelope.
- **Absentee Ballot Coordinators** -- Each state executive committee of a political party with a candidate running in a general or special election may designate a certain number of absentee ballot coordinators: 10, for a special election for the Florida Senate or Florida House of Representatives; 40, for any other general or special election not exclusively involving municipal or nonpartisan races. The Division of Elections must investigate each designee and may certify only those designees who have not been convicted of an election-related crime. Absentee ballot coordinators may witness an unlimited number of absentee ballots.

- **Administration of Oaths** - Allows any supervisor of elections, deputy supervisor of elections, or employee of the supervisor when so designated, to administer oaths under the election code.
- **Ballots; return** -- Restricts the return of absentee ballots to personal delivery by the elector or mail, except an elector unable to mail or personally deliver the ballot may designate someone in writing to return their ballot. Designees are limited to returning two ballots for electors other than themselves or immediate family members.

### *Crimes/Penalties*

- **Penalties; enhanced penalties for existing crimes** -- The following misdemeanors are enhanced to 3rd degree felonies:
  - Giving something of value to person for registering to vote.
  - Corruptly interfering with voter registration (Subsequent offense is a 2nd degree felony).
  - Soliciting or paying a person to solicit voter registrations for compensation.
  - Unauthorized use, possession, or destruction of voter ID card.
  - Alteration of registration application.
  - Vote selling.
  - Election official or employee attempting to interfere or influence a voter.
  - Interfering with or deprivation of voting rights.
  - Corruptly influencing voting. (Subsequent offenses is a 2nd degree felony).
  - Threats of employers to control votes of employees.
  - Fraudulent use of assumed name in electoral process.
- **Penalties; new crimes** -- New 3rd degree felonies:
  - Vote brokering.
  - Requesting ballot on behalf of another without permission.
  - Marking the ballot of another.

New 1st degree misdemeanors:

- Witnessing more than five ballots in an election (other than a notary, other officer entitled to administer oaths, or a certified absentee ballot coordinator).

- Persons returning more than two voted absentee ballots per election to supervisors (other than for themselves or immediate family members).

### ***Miscellaneous Provisions***

- **Voter Fraud Hotline; provide election fraud education --** Provides for public service announcements, voter fraud handbooks, etc.
- **Supervisors; expanded authority --** Provides supervisors of elections with statutory authority to investigate election fraud.
- **Electors; mandatory personal appearance before election officials --** Requires a person who registers by mail and has not previously voted in the county to vote in person at the polls or the supervisor's office, except for persons authorized to vote by absentee ballot under federal law, such as military and overseas voters, and the elderly and handicapped, or an elector who is out of the country and will not return before election day.
- **Signature deterioration; updating old signatures; procedure --** Requires supervisors of elections to notify by mail any elector whose ballot is rejected due to a signature variance, and include a voter registration form to be completed and returned by the elector.
- **Instructions to voters at polls --** Requires the supervisor of elections to post a notice at the polls informing voters of potential felony penalties.
- **Pollworkers--** Allows persons who are 17 years of age and who have preregistered to vote to work at the polls.
- **Charter County Commissioners; terms of office --** Allows the governing board of a charter county by ordinance, approved by referendum, to prescribe the date for the commencement of the terms of its members.

Except where certain sections require a different effective date, this act takes effect on July 1, 1998.

**COMMITTEE ON ENVIRONMENTAL PROTECTION**

**CS/1ST ENG/HB 945 -- Environmental Equity and Justice**  
**by the Committee on Environmental Protection, Representative**  
**Eggelletion & others** (CS/SB 1516 by Senate Committee on  
Governmental Reform and Oversight and Senator Turner)

Creates the Center for Environmental Equity and Justice within the Environmental Sciences Institute at Florida Agricultural and Mechanical University. The purpose of the center will be to conduct and facilitate research, develop policies, offer education and training, sponsor students as interns, and provide community outreach with regard to environmental equity and justice issues. Provides for the Department of Health to establish a Community Environmental Health Advisory Board to be comprised of low-income residents, representatives of health departments, health care professionals, and elected officials, to identify community health needs and types of services which should be provided.

The effective date of this bill is upon becoming a law.

**CS/1ST ENG/HB 1667-- Lake Belt Mitigation Trust Fund**  
**by the Committee on General Government Appropriations and**  
**Representative Villalobos** (CS/SB 1988 by Senate Natural Resources  
and Senator Diaz-Balart)

Provides the trust fund needed for the limerock mitigation program provided for in CS/HB 4071. The substance of the original HB 1667, which ultimately passed in CS/HB 4071, was deleted from the bill when the trust fund provisions were added. Provisions in CS/HB 4071 include:

- Imposes a mitigation fee on mining activities taking place in the Dade County Lake Belt.
- Holds the Department of Revenue responsible for the administration, collection, and enforcement of the mitigation fee.

- Requires that all mitigation fee proceeds must be used to conduct mitigation activities appropriate to offset the loss of the value and functions of the mined wetlands.

The effective date of this bill is July 1, 1998, contingent upon CS/HB 4071 being approved by the Governor.

**HB 3125-- Solid Waste Disposal**  
**by Representative Smith (SB 376 by Senator Kirkpatrick)**

Provides for a series of changes to chapter 403, F.S. Specifically, the bill:

- Allows the Department of Environmental Protection to use financial leveraging techniques with regard to funds deposited into the sewage treatment facilities revolving loan program. Any proposed leveraging would need the approval of the State Board of Administration.
- Clarifies that certain solid waste can be disposed of on a person's own property without a permit.
- Prohibits individuals from disposing of materials, on their own sites, which create a public nuisance or adversely affect the environment or public health. Materials that would be specifically prohibited include: white goods; automotive materials (batteries and tires); pesticides; or hazardous substances.
- Allows private landfill operators the option of providing a single financial assurance bond to cover closure costs to either the state or county.

The effective date of this bill is July 1, 1998.

**CS/CS/2ND ENG/HB 3229-- Sales Tax Exemption for Pollution Control Equipment**  
**by the Committees on Finance and Tax, Environmental Protection, Representative Thrasher & others (CS/SB 434 by Senate Committee on Ways and Means, Senator Dyer & others)**

Provides a sales and use tax exemption for any facility, device, fixture, equipment, or machinery used primarily for the control or abatement of pollution or contaminants in manufacturing, processing, compounding, or producing for sale items of tangible personal property at a fixed location, or any structure, machinery, or equipment installed in the reconstruction or replacement of such facility, device, fixture, equipment, or machinery. To qualify, such facility, device, fixture, equipment, or machinery is required to meet the permitted conditions of the Department of Environmental Protection. A sales and use tax exemption is provided for equipment, machinery, or materials required by permit or law that are purchased for the monitoring, prevention, abatement, or control of pollution or contaminants at solid waste management facilities.

The effective date of this bill is July 1, 1998.

**CS/1ST ENG/HB 3427 -- Beach Management Funding**  
**by the Committee on Environmental Protection, Representative Jones & others (CS/CS/SB 882 by Senate Committees on Ways and Means, Natural Resources, Senator Sullivan & others)**

Provides a dedicated funding source for beach management purposes and encourages a more regional approach to beach management. Each year, a specified amount of documentary stamp tax revenue will be deposited in the Ecosystem Management and Restoration Trust Fund to fund beach management. The amounts are \$10 million for FY 1998-99, \$20 million for FY 1999-2000, and \$30 million for FY 2000-01 and each year thereafter. Such funding shall be made available for at least 15 years, providing a total of \$420 million. Additionally, the bill:

- Encourages regional approaches by providing a financial incentive for local sponsors to coordinate projects.
- Requires the Department of Environmental Protection (Department), when determining funding priorities, to consider whether local or regional sponsors have agreed to coordinate the planning, design, and construction of projects.



- Authorizes the Department to implement regional components of the beach management plan and to enter into any necessary agreements.
- Revises the criteria that the Department uses in determining funding priorities to include consideration of whether a local government has a long-term financial plan with designated funding at the local level and consideration of proposed projects that enhance habitat within designated refuges of nesting sea turtles.

The effective date of this bill is July 1, 1998.

**CS/1ST ENG/HB 3701--Hazardous Waste Facilities  
by Committee on Environmental Protection, Representative  
Fuller & others (CS/SB 1390 by Senate Natural Resources and Senator  
Horne & others)**

Establishes siting criteria to be used by the Department of Environmental Protection for any hazardous waste facility that manages waste generated off-site. Minimum siting criteria established by the bill provide that:

- Residential areas must be served by at least one arterial road for the purposes of evacuation.
- No facility may be located within 1,000 yards of the arterial roads or any residence.
- No facility may be located within 1,500 yards of any prison, school, nursing home, day care, stadium, place of assembled worship, or any other site where individuals may assemble.
- Additionally, the Department is directed to consider factors such as natural barriers to evacuation routes and potential exposure to any release that may occur during evacuation.

In addition, facilities that treat or store hazardous waste at other sites that they own are exempted from the siting requirements. Exemptions were also created for power generators as defined by state or federal law.

The effective date of this bill is upon becoming a law.

**CS/CS/HB 3705-- Public Records/Clean Air Act**  
**by the Committees on Governmental Operations and**  
**Environmental Protection and Representative Edwards** (Passed as CS/SB 814 by Senate Natural Resources and Senator Dyer & others)

CS/SB 814 provides exemptions from public records disclosure requirements for information provided by a stationary source subject to the Accidental Release Prevention Program. These exemptions are necessary to implement the Accidental Release Prevention Program.

The effective date of this bill is the effective date of CS/SB 812 becoming a law.

**CS/CS/1ST ENG/HB 3717-- Clean Air**  
**by the Committees on Governmental Operations and**  
**Environmental Protection and Representative Edwards** (Passed as CS/SB 812 by the Senate Committee on Governmental Reform and Oversight, Senator Dyer & others)

Creates Part IV of chapter 252, F.S., the "Florida Accidental Release Prevention and Risk Management Planning Act" and allows the Department of Community Affairs (Department) to seek partial delegation from the U.S. Environmental Protection Agency to establish and implement the Accidental Release Prevention Program in Florida. The program is intended to prevent accidental releases of listed toxic, flammable, and explosive substances and to minimize the consequences of those releases. The program is also intended to be a self-sustaining program. Additionally, the bill:

- Provides for certain fee requirements for certain public and private sources.
- Provides prohibitions, violations, and penalties.

- Requires inspections and audits be conducted in order to ensure compliance.
- Authorized the Department to advance a start-up loan of \$400,000 from the hazardous materials account in the Operating Trust Fund to implement the program. This loan will be paid back by 2006.

The effective date of this bill is upon becoming a law.

**HB 3729-- Ash Residue Recycling and Reuse**  
**by Representative Bradley (Passed as SB 1058 by Senator Lee)**

Authorizes the Department of Environmental Protection (Department) to permit recycling and reuse of ash residue produced by waste-to-energy facilities. Recycling and reuse may be permitted provided it meets Department standards and criteria, when demonstrated it will not pose a threat to public health.

The effective date of this bill is upon becoming a law.

**CS/2ND ENG/HB 3771-- Recreational Lands**  
**by the Committee on Environmental Protection and**  
**Representative Sembler & others (CS/SB 1396 by Senate Natural**  
**Resources and Senator Sullivan & others)**

Intended to encourage private landowners to make their lands available to the public as part of the statewide system of greenways and trails, this bill revises the Florida Greenways and Trail Act. The program will encourage private landowners to enter into agreements for the use of their lands. Rights and benefits will be provided to private landowners, including liability protection, tax incentives, and grants. The definition of designation is clarified to explain that designation is a voluntary process and cannot take place without the written consent of the land owner.

Additionally, the bill:

- Describes the process to be used for obtaining designation.
- Clarifies that lands identified in planning materials, maps and other data developed for the Florida Greenways and Trails Program do not infer designation and that maps and other planning materials developed cannot be used to impose any additional land use restrictions on private property.
- Directs the department to erect a suitable memorial honoring Marjorie Harris Carr on the site of the Cross Florida Greenways State Recreation area;
- Permits the Division of State Lands to utilize appraisals submitted by a public agency or nonprofit organization, provided the appraiser was selected from the state's approved list;
- Allows agencies to retain unencumbered funds deposited from P2000 for land acquisition purposes through fiscal year 1999-2000;
- Directs the Game and Freshwater Fish Commission to establish a separate recreational user permit fee of up to \$25, to hunt, fish, or otherwise use land outdoor recreational purposes for specified lands in North Florida; and
- Directs the Board of Trustees of the Internal Improvement Trust Fund to convey specified lands located in Walton County.

The effective date of this bill is July 1, 1998.

#### **CS/HB 4077--Phosphogypsum**

**by the Committee on Environmental Protection and Representative Murman & others** (Passed as CS/1ST ENG/SB 1176 by Senate Committee on Natural Resources and Senator Lee)

Grants the Department of Environmental Protection (Department) authorization to develop rules to ensure that impoundment structures (cooling ponds) and water conveyance piping systems used in phosphogypsum management are designed and maintained to meet critical safety standards. In addition, the bill allows the Department to enter into

an agreement with the Hillsborough County pollution control program to allow for the deposit of those funds received as a result of environmental enforcement into the county's pollution recovery fund. Such funds must be used for activities consistent with the purposes of the Ecosystem Management Trust Fund.

The effective date of this bill is upon becoming a law.

**CS/HB 4107 -- Coastal Redevelopment**  
**by the Committee on Community Affairs and Representative**  
**Wiles & others** (Passed as CS/2ND ENG/SB 1458 by Senate Community Affairs and Senator Latvala & others)

Provides for redevelopment of coastal resort and tourist areas which are deteriorating and economically distressed, making such areas subject to the community redevelopment provisions of chapter 163, F.S. The bill creates a pilot project for redeveloping economically distressed coastal resort and tourist areas in the coastal area of the Atlantic coast between the St. Johns River entrance and the Ponce de Leon Inlet. Specifically, the bill:

- For a particular area within the region to be eligible, requires that all or part of the area must be within: (1) the coastal building zone as defined by § 161.54, F.S., and (2) an economically deprived area as designated by a local government with jurisdiction over the area.
- Encourages local governments to use the full range of available economic and tax incentives within the pilot project areas.
- Exempts construction within the pilot project areas from certain coastal construction permitting criteria pursuant to § 161.053, F.S., provided that the construction is fronted by 1,000 feet of continuous, viable seawall or rigid coastal armoring structure.
- Provides that authorization for the pilot project and related provisions expire on December 31, 2002, and are subject to review by the Legislature prior to that date.

- Provides for the following appropriations:
  - \$500,000 is appropriated from the Grants and Donations Trust Fund for the purpose of residential construction mitigation.
  - \$2,000,000 is appropriated from the Grants and Donations Trust Fund for the purpose of providing Federal Emergency Management Agency state matching funds.
  - \$1,000,000 is appropriated from the Coastal Protection Trust Fund to the Department for FY 1998-99 for research, monitoring, and control of harmful algal blooms, including red tide.

The effective date of this bill is upon becoming a law.

**CS/1ST ENG/HB 4117-- Drycleaning Solvent Cleanup**  
**by the Committee on Environmental Protection and**  
**Representative Putnam & others** (Passed as CS/3RD ENG/SB 244 by  
 Senate Natural Resources)

Clarifies eligibility requirements, incorporates Risk-Based Corrective Action (RBCA) cleanup criteria and provides the circumstances under which a site may be reopened for further rehabilitation. Specifically, the bill:

- Provides and updates definitions.
- Creates a \$75 late fee for untimely registration fees.
- Clarifies that any site that is operated or has at sometime in the past operated as a uniform rental or linen supply facility is not eligible for the program.
- Requires that all contamination be reported by December 31, 1998, in order to obtain eligibility.
- Clarifies eligibility requirements by better defining gross negligence provisions. Liability protection is provided to any person whose property has become contaminated due to the operation of a nearby drycleaning facility and whose property has

never been occupied by a business that utilized or stored drycleaning solvents.

- Provides rehabilitation criteria for drycleaning site cleanup by incorporating RBCA Principles. (The cleanup criteria established does not constitute disposal or reuse criteria. Off-site disposal or relocation must be in accordance with all applicable federal, state, and local regulations.)
- Requires that third party liability insurance be purchased by January 1, 1999 for drycleaning facilities and wholesale supply facilities.

The effective date of this bill is July 1, 1998.

**1ST ENG/HB 4435-- Brownfields Redevelopment Act**  
**by Representative Constantine & others** (Passed as CS/1ST ENG/SB 1202 by Senate Committee on Natural Resources and Senator Latvala)

Addresses several glitches that have been identified since the passage of the 1997 Brownfields Redevelopment Act. In addition, other changes have been included in this bill to enhance the usage and success of the program, including specific provisions for additional economic incentives.

- Creates the Brownfield Areas Loan Guarantee Program to review, approve or deny participation in partnerships with local governments, financial institutions, & others for loan guarantees. This will be limited to \$5 million and funds for the program will come from the Nonmandatory Land Reclamation Trust Fund.
- Creates the Brownfield Property Ownership Clearance Assistance Program, which will help clear prior liens on brownfield properties. Funds for this program will come from the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund (created in HB 4441).

- Creates the Center for Brownfield Rehabilitation Assistance at the University of South Florida to work in conjunction with the statewide university system. The Center will be responsible for researching problems related to rehabilitation, providing public service and techniques for rehabilitation, and conducting special research relating to risk-based corrective actions in the rehabilitation of brownfields.
- Provides for the repeal of section 21, chapter 86-159, L.O.F., which will maintain provisions that prohibit the filing of suits against the owner or operator of a petroleum storage system unless the operator has failed to meet specific standards as described in statute.

The effective date of this bill is July 1, 1998.

**1ST ENG/HB 4441-- Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund**  
**by Representative Constantine** (Passed as CS/SB 1204 by Senate Natural Resources and Senator Latvala)

Creates the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund, which will be administered by the Office of Tourism, Trade, and Economic Development. The purpose of the Trust Fund is to provide low-interest loans to local governments, community redevelopment agencies, persons or nonprofit corporations responsible for brownfield site rehabilitation to facilitate the redevelopment by purchasing the liens and claims that are currently impediments to the redevelopment efforts.

The effective date of this bill is the effective date of CS/1ST ENG/SB 1202, July 1, 1998.

**1ST ENG/SB 1334 -- Rulemaking Authority/ DEP (RAB)**  
**by Senator Latvala** (no House companion)

Authorizes adoption of rules on quality-assurance requirements for environmental data submitted to the department.

The effective date of this bill is upon becoming a law.



**SB 1336 -- Asbestos Removal/Rulemaking/DEP (RAB)  
by Senator Latvala (no House companion)**

Authorizes the department to establish a fee schedule by rule for the removal of asbestos.

The effective date of this bill is upon becoming a law.

**2ND ENG/SB 1434 -- Coastal Construction/ Rulemaking (RAB)  
by Senator Latvala (no House companion)**

Provides authority for the adoption of rules with respect to coastal construction and excavation, and the exemption of certain activities from permitting requirements. Clarifies the authority to implement certain exemptions without the adoption of rules.

The effective date of this bill is upon becoming a law.

**COMMITTEE ON GOVERNMENTAL OPERATIONS**

**2ND ENG/HB 887--School District Expenditures  
by Representative Sublette & others (CS/SB 1160 by Senate  
Education and Senator Dyer)**

Provides for expanded information in full-page, school board newspaper advertisements relative to tentative budgets. The advertisements shall include graphs which illustrate, in part:

- Historical revenue data.
- Historical student data.
- Historical employee data.

The effective date of this bill is July 1, 1998.

**CS/HB 901--Public Records/Employee Assistance Program  
by the Committee on Governmental Operations and  
Representative Fischer (Passed as SB 112 by Senator Latvala)**

Makes confidential and exempt all records relative to participation in a county or municipal employee assistance program. Communications between a county/municipal employee and personnel or service providers of a county/municipal employee assistance program are also made confidential. Provides for future review/repeal or reenactment.

The effective date of this bill is October 1, 1998.

**CS/HB 1105--Public Records/Minors/Statements  
by the Committee on Governmental Operations and  
Representative Albright & others (Passed as 1ST ENG/SB 348 by  
Senator Cowin & others)**

Provides a public records exemption for identity information in a videotaped statement of a minor who is, or is alleged to be, a victim of sexual battery, lewd acts, or other sexual misconduct. The bill also provides penalties for disclosure of exempted information. Exempted information includes, but is not limited to, that which reveals:

- The minor's face.
- The minor's home, home address, or home telephone number.
- The minor's school address, or school telephone number.
- The minor's church address, or church telephone number.
- The minor's employment address, or employment telephone number.
- The minor's personal assets, when such information identifies the minor as a victim.

This bill took effect on April 11, 1998. (See chapter 98-9, L.O.F.).

**CS/3RD ENG/HB 1125--Notary Publics/Bonds  
by the Committee on Governmental Operations and  
Representative Jones (CS/SB 1130 by Senate Banking and Insurance and  
Senator Grant)**

Addresses numerous provisions concerning notaries public, including the following:

- Clarifies provisions regarding the appointment of notaries public.
- Increases the amount of bond required of notaries public from \$5,000 to \$7,500.
- Provides for solemnizing rites of marriage by notaries.
- Requires notaries public to make reasonable accommodations to provide notarial services to disabled persons.
- Provides for electronic notarizations.
- Provides for civil law notaries in lieu of Florida international notaries.
- Provides educational requirements.

The effective date of this bill is January 1, 1999.

**2ND ENG/HB 1139--Public Records/Rabies Vaccination  
by Representative Sindler & others (CS/SB 1134 by the Senate  
Committee on Regulated Industries and Senator Bronson & others)**

Makes confidential and exempt information identifying the owner of an animal vaccinated for rabies which is contained in the rabies vaccination certificate provided to the animal control authority. Provides for the release of such information in certain circumstances. Provides for future review/repeal or reenactment.

The effective date of this bill is upon becoming a law.

**CS/1ST ENG/HB 1613--Public Records/Housing Assistance  
by the Committee on Governmental Operations and  
Representative Dawson-White (CS/SB 140 by Senate Community  
Affairs and Senator Forman)**

Makes confidential and exempt medical history records, bank account numbers, credit card numbers, telephone numbers, and information related to health or property insurance, furnished by an individual to any agency pursuant to federal, state, or local housing assistance programs. Provides exceptions. Provides for future review/repeal or reenactment.

The effective date of this bill is July 1, 1998.

**CS/CS/HB 1637--Domestic Violence/Confidentiality**  
**by the Committees on Law Enforcement & Public Safety and**  
**Governmental Operations, Representative Hill & others** (CS/SB  
118 by Senate Committee on Children, Families and Seniors and Senator  
Holzendorf)

Provides for the creation of the Address Confidentiality Program for  
Victims of Domestic Violence. Additionally, the bill:

- Redefines the offense of domestic violence.
- Establishes requirements for applying for participation in the  
program and provides for removal from the program.
- Establishes criminal penalties related to the program.
- Provides for special absentee voting for participants of the  
program.
- Provides prohibitions for disclosing or receiving information.

The effective date of this bill is October 1, 1998.

**CS/CS/HB 1639 -- Public Records/Domestic Violence**  
**by the Committees on Law Enforcement & Public Safety and**  
**Governmental Operations, and Representative Hill** (SB 116 by  
Senator Holzendorf)

Provides a public records exemption for documents related to the Address  
Confidentiality Program for Victims of Domestic Violence. (See CS/HB  
1637.)

The effective date of this bill is October 1, 1998.

**CS/1ST ENG/HB 1757 -- Florida Single Audit Act**  
**by the Committee on Governmental Operations and**  
**Representative Healey & others** (Passed as 1ST ENG/SB 400 by  
Senator Burt)

Creates the Florida Single Audit Act, the purpose of which is to establish uniform state audit requirements for state financial assistance passed through the state to nonstate entities, to promote sound financial management, to promote audit economy and efficiency by relying on certain federal audits, and to promote improved coordination and cooperation within and between state agencies and nonstate entities receiving state awards. Additionally, the bill:

- Establishes the duties of the Executive Office of the Governor, the Comptroller, and state agencies that award state funds to nonstate agencies to carry out state projects.
- Places conditions on nonstate agencies' (recipients and subrecipients) which receive state funds, and requires recipients and subrecipients of state funds to obtain audits.

The effective date of this bill is July 1, 2000.

**CS/HB 1887--Public Records/Joint Underwriters/Reinsurers  
by the Committee on Governmental Operations and  
Representative Ball (SB 746 by Senator Williams)**

Makes confidential and exempt certain records of the Florida Automobile Joint Underwriting Associations, including records relating to open claims files, underwriting files, open internal audits, privileged attorney-client communications, proprietary information, employee records, and ongoing negotiations. Provides exceptions and limitations. Additionally, the bill exempts portions of meetings relating to open claims files and underwriting files, and provides requirements regarding closed meetings. Provides for future review/repeal or reenactment.

The effective date of this bill is upon becoming a law.

**CS/HB 3061--Airports/Licensing Exemption**  
**by the Committee on Governmental Operations and**  
**Representative Minton & others** (CS/SB 110 by Senate Transportation  
and Senator Hargrett)

Exempts certain airports used exclusively for aerial application or spraying of crops on a seasonal basis from provisions of law addressing the approval of airport sites and the licensing of airports. Requires such airports to work out safe air-traffic patterns with existing airports or approved airport sites.

This bill took effect on April 22, 1998. (See chapter 98-17, L.O.F.).

**CS/HB 3065--Building, Bridge, and Road Designations**  
**by the Committee on Governmental Operations and**  
**Representative Kelly & others** (CS/SB 178 by Senate Transportation  
and Senator Burt & others)

This bill provides for numerous building, bridge, and road designations and directs the Department of Transportation and affected universities to erect suitable markers. Specifically, the bill:

- Designates the Florida Department of Transportation District Five headquarters building located in Volusia County as the "Ben G. Watts Building"
- Designates a specified bridge in Pasco County as the "Father Felix Ullrich Bridge"
- Designates the Fiske Boulevard overpass at Interstate Highway 95 in Rockledge as the "Jack I. Korenblit Overpass"
- Designates the Jacksonville Children's Medical Services Building as the "Richard G. Skinner, Jr. M.D., Children's Medical Services Building"
- Designates the tennis court complex at the University of West Florida as the "Harold 'Skeeter' Carson Tennis Complex"
- Designates the Lifelong Learning Center on the Boca Raton Campus of Florida Atlantic University as the "Barry and Florence Friedberg Lifelong Learning Center"
- Designates the swim/dive office and training facility at the University of Florida as the "Wayne and Jimmie Carse Swimming and Diving Complex"
- Renames Flint Hall at the University of Florida as the "Keene-Flint Hall"

- Designates the residence hall known as 2nd Court, Pei Residence Halls, located at New College of the University of South Florida as the "Peggy Bates Residence Hall"
- Designates the library tower on the campus of Florida International University as the "Steven and Dorothea Green Library"
- Designates the recording facility donated to the Florida State University as "Critchfield Hall"
- Renames the Florida Resident Access Grant Program as the "William L. Boyd, IV Florida Resident Access Grant Program"
- Renames the Rodman Dam in Putnam County to the "Senator George Kirkpatrick Dam," and provides for the erection of markers

The effective date of this bill is upon becoming a law.

**CS/CS/1ST ENG/HB 3131--Deferred Retirement Option Program/  
FRS**

**by the Committees on General Government Appropriations and  
Governmental Operations and Representative Feeney & others  
(CS/SB 216 by the Senate Committee on Governmental Reform and  
Oversight and Senator Gutman & others)**

Clarifies who is eligible to participate in the Deferred Retirement Option Program (DROP) passed by the 1997 Legislature and when the election to participate must take place; establishes conditions under which a DROP participant may change employers; limits a member of the Special Risk Class whose total accrued value exceeds 75 percent of average final compensation to participation of no more than 36 months in DROP; allows an elected officer who reaches normal retirement date during a term of office to defer the election to participate in the DROP until the next succeeding term and limits how long the elected officer may participate in DROP; and, allows each employee who elects to participate in DROP to receive a lump-sum payment for accrued annual leave earned in accordance with agency policy upon beginning participation in the DROP.

The effective date of this bill is July 1, 1998. (See chapter 98-18, L.O.F.).

**CS/HB 3173--Retirement Funds/Investment  
by the Committees on Finance and Taxation and Governmental  
Operations and Representative Posey & others (Passed as SB 1462  
by Senator Gutman)**

This bill broadens the availability of investment vehicles, now restricted by current law, for firefighter and municipal police officer trust funds. It allows up to 10 percent of pension trust fund assets to be invested in foreign securities; revises and updates the references to certain federal agencies which insure investments made in chartered savings institutions; increases from 30 percent to 50 percent the permissible equity investment of a fund without a required variance in the approved investment procedures; prevents the taking away of any preexisting legal authority to make equity investments that exceed the requirements of the bill; requires a simple majority vote of the board to approve official business coming before it; provides record-keeping duties of the board's secretary; and, provides for a triennial evaluation of professional money managers for the board.

The effective date of this bill is October 1, 1998.

**CS/1ST ENG/HB 3201--Religious Freedom Restoration Act  
by the Committee on Governmental Operations and  
Representative Starks & others (CS/SB 296 by Senate Judiciary and  
Senator Grant & others)**

Provides that the state may not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, unless the government demonstrates that application of the burden to the person:

- Is in furtherance of a compelling state interest; and,
- Is the least restrictive means of furthering that compelling government interest.

Additionally, the bill provides that a violation of this section may be asserted as a claim or defense in a judicial proceeding.

The effective date of this bill is upon becoming a law.



**HB 3261--State Employee Telecommuting Program**  
**by Representative Culp & others (SB 496 by Senator Kirkpatrick & others)**

Abrogates the repeal of the state employee telecommuting program.

The effective date of this bill is October 1, 1998. (See chapter 98-31, L.O.F.).

**HB 3381--Bond Requirements/Public Officers**  
**by Representative Constantine (Passed as SB 222 by Senator Burt)**

This bill addresses bond requirements of public officers and employees. Specifically, the bill:

- Eliminates bond requirements for Treasurer, the Commission of Agriculture, and the Comptroller of the Department of Transportation.
- Allows heads of executive departments to require bonds for officers or employees of their departments, to set the amount of bonds, and to approve the bonds.
- Allows the Parole Commission to require bonds for employees, to set the amount of bonds, and to approve the bonds.
- Authorizes state attorneys to require bonds for full-time investigators and special investigators.

The effective date of this bill is July 1, 1998. (See chapter 98-34, L.O.F.).

**CS/CS/HB 3481--State Planning and Budgeting**  
**by the Committees on General Government Appropriations and Governmental Operations and Representative Culp & others**  
**(Passed as CS/1ST ENG/SB 832 by Senate Governmental Reform and Oversight and Senator Kirkpatrick & others)**

Revises guidelines and requirements for state agencies regarding performance-based budget requests, programs, and performance measures. Revises the schedule for submission of performance-based program budget legislative budget requests. Prescribes additional incentives and disincentives that may be included in the Governor's recommended budget. Revises and creates requirements for state agency strategic plans, annual performance reports, and other reports. Requires that the Governor's recommendations include a financial schedule that provides information on the revenues in the Budget Stabilization Fund. Revises the duties of the Geographic Information Board.

The effective date of this bill is upon becoming a law.

**CS/CS/2ND ENG/HB 3491--Florida Retirement System**  
**by the Committee on Finance & Taxation and Governmental**  
**Operations and Representative Boyd & others (CS/SB 380 by the**  
**Committee on Governmental Reform and Oversight and Senator Williams &**  
**others)**

The bill adjusts contribution rates and certain benefits related to the Florida Retirement System:

- Increases, effective January 1, 1999, the monthly retiree health insurance subsidy payment, for each eligible retiree or beneficiary, from \$3 to \$5 per month for each year of creditable service at retirement up to a maximum of 30 years or \$150.
- Reflects retirement contribution rate changes, effective July 1, 1998, for all classes of the Florida Retirement System (FRS) based on the 1997 Biennial Actuarial Valuation of the FRS
- Reflects contribution rate changes to fund the health insurance subsidy increase.
- Provides that in the event a member accumulates retirement benefits to commence at different normal retirement ages by virtue of having performed duties for an employer which would entitle the member to benefits as both a member of the Special Risk Class and a member of either the Regular Class, Senior Management Service Class, or Elected Officer Class, the amount of benefits payable shall be computed separately with respect to each such age and the sum of such computed amounts shall be paid as provided in law

- Provides that in the event of dissolution of marriage of a retired member and a joint annuitant, such member may make an election to nullify the joint annuitant designation of the former spouse, unless there is an existing qualified domestic relations order preventing such action and benefits shall be paid as if the former spouse predeceased the member.
- Provides that the surviving spouse or other eligible joint annuitant of a member, whose employment is terminated by death within 1 year of such member satisfying the service requirements for vesting and retirement eligibility, shall be permitted to purchase only the additional service credit necessary to vest and qualify for retirement benefits by using the deceased member's accumulated hours of annual, sick, and compensatory leave and any periods of out-of-state service, or in-state service, that the deceased member would have been eligible to purchase prior to death, up to a maximum of one year.
- Provides that if a member dies prior to his or her effective date of retirement on or after January 1, 1999, the spouse at the time of death shall be the member's beneficiary unless such member appropriately designates a different beneficiary subsequent to the member's most recent marriage.
- Provides conditions where a member may purchase creditable service for authorized leaves of absence.
- Provides for purchase of retirement credit for service in a sectarian school or college in this state that is accredited by the Southern Association of Colleges and Schools.
- Clarifies that a member with renewed membership in the Senior Management Service Class may purchase additional retirement credit in the Senior Management Service Class, as applicable, for any postretirement service performed in a regularly established position.

- Clarifies the procedure for canceling any uncashed warrants for retirement benefits and crediting these amounts to the FRS Trust Fund.

Except as otherwise provided in certain provisions of the bill, the effective date of this bill is upon becoming a law.

**CS/1ST ENG/HB 3585--Public Hospital Lease**  
**by the Committee on Governmental Operations and**  
**Representative Peaden & others** (CS/CS/SB 1044 by the Senate  
 Committees on Governmental Reform and Oversight and Health Care and  
 Senator Williams)

Makes confidential and exempt records of a private corporation that leases a public hospital or other public health care facility, and makes exempt meetings of its governing board, provided certain conditions are met.

The effective date of this bill is upon becoming a law.

**CS/2ND ENG/HB 3619--Computer Problems/Year 2000**  
**by the Committee on Governmental Operations and**  
**Representative Culp & others** (CS/1ST ENG/SB 1162 by Senate  
 Judiciary and Senator Kirkpatrick & others)

Recognizes potential computer problems that may occur in state agencies due to the date change to the year 2000 and authorizes the Governor and the Administration Commission to reassign resources in the event of a likely computer failure. Additionally, the bill:

- Authorizes the intergovernmental transfer and interchange of public employees with other state agencies.
- Provides for the legislative veto of the reassignment of state resources.

The effective date of this bill is upon becoming a law.

**CS/HB 4351--Legislative Services/JLMC**  
**by the Committee on Governmental Operations and**  
**Representative King & others** (Passed as CS/2ND ENG/SB 1574 by the  
Senate Committee on Governmental Reform and Oversight and Senator  
Grant)

This bill abolishes the Joint Legislative Management Committee and transfers its administrative support function to a newly established Office of Legislative Services; repeals legislation which creates the Joint Legislative Information Technology Resource Committee, effectively abolishing this committee; provides for an Office of Legislative Services rather than a Division of Legislative Services; provides for an Office of Economic and Demographic Research rather than a Division of Economic and Demographic Research; and, makes all necessary conforming changes.

The effective date of this bill is upon becoming a law.

**HB 4395--Volunteers/Nepotism Law**  
**by Representative Boyd & others** (Passed as SB 1898 by Senator  
Cowin)

Provides an exemption for persons serving in a volunteer capacity who provide emergency medical, firefighting, or police services from current restrictions on the employment by public officials of relatives.

Provides that exempted persons may receive reimbursements for the related and incidental costs of their service without loss of their volunteer status.

The effective date of this bill is upon becoming a law.

**CS/CS/1ST ENG/HB 4407--Florida Family Tax Relief Act of 1998**  
**by the Committees on Finance and Taxation and Governmental**  
**Operations and Representative Byrd & others** (CS/SB 1900 by  
Senate Ways & Means and Senator Cowin)

Provides a state sales tax "holiday" on items of clothing having a taxable value of \$50, or less, during the seven day period from August 15, 1998, through August 21, 1998.

The effective date of this bill is upon becoming a law.

**1ST ENG/HB 4457 -- The Ronald Reagan Turnpike**  
**by Representative King** (passed in CS/2ND ENG/SB 1014 by Senate Transportation and Senator Gutman)

Designates the Florida Turnpike as the "Ronald Reagan Turnpike." Additionally, the bill designates other roads, buildings, and bridges, including the following:

- Gratigny Parkway in Dade Co. as "Marlins Expressway"
- A portion of SR 267 in Gadsden Co. as "Pat Thomas Parkway"
- A portion of SR 528 in Brevard Co. as "Kennedy Space Center Highway"
- A portion of Polk Co. Highway as "James Henry Mills Medal of Honor Parkway"
- A portion of NW 167th St. in Miami Lakes as "Zuly Reyes Road."
- SR 50 within Hernando Co. as "Deputy Lonnie Coburn Memorial Highway", etc.
- A portion of State Road 71 as "Pete Peterson Parkway"
- A portion of State Road 71 as Cecil G. Costin, Sr. Boulevard"
- A portion of Coral Way in Miami as "Ofelia Perez-Roura Memorial Way"
- A portion of SW 1st Street in Miami as "Lincoln-Marti Boulevard"
- A Portion of US Highway 29 in Escambia County as "Don Sutton Memorial Highway"
- Designates Jacksonville's Children's Medical Services Building as the "Richard G. Skinner, Jr., Children's Medical Services Building"
- Co-designates the MacArthur Causeway Bridge in Mini-Dade County as the "Trooper Robert G. Smith Bridge"
- Renames the Deerfield Beach High School Outpatient Family Health Center as the "Amadeo Trinchetella Health Clinic"
- Names the new wing at Florida Atlantic University as the "I.A. 'Mac' Mascioli Education Wing"

The effective date of this bill is upon becoming a law.

**CS/2ND ENG/SB 1144--DMS and other Agencies (RAB)  
by the Senate Committee on Governmental Reform and Oversight  
and Senator Gutman (no House companion)**

Provides the necessary statutory authority for the Department of Management Services (DMS) to continue specified rulemaking. The bill specifically addresses 39 DMS rules.

The effective date of this bill is upon becoming a law.

**CS/SB 1332--Public Funds Investment (RAB)  
by the Committee on Governmental Reform & Oversight and  
Senator Latvala (CS/2ND/HB 3661 by the Committee on Governmental  
Operations and Representative Garcia & others)**

- Prescribes rulemaking authority of the Bond Finance Division & State Board of Administration..
- Prescribes rulemaking authority of the State Board of Administration.
- Prescribes rulemaking authority of the Prepaid Postsecondary Education Expense Board.

The effective date of this bill is upon becoming a law.

**COMMITTEE ON GOVERNMENTAL RULES & REGULATIONS**

**CS/1ST ENG/HB 1509 -- Administrative Procedures  
by the Committee on Governmental Rules & Regulations and  
Representative Spratt (Passed as an amendment to CS/SB 1440 by  
Senate Natural Resources and Senator Latvala)**

Amends chapter 120, F.S., the Administrative Procedure Act.

- Codifies petitions requirements for those petitions affecting substantial interests now found in the Uniform Rules of Procedure of the Division of Administrative Hearings.
- Provides that upon receiving a petition, the agency has the duty to review the petition carefully to determine that the petition substantially complies with the petition requirements found in the statute. Requires the agency to provide a detailed explanation of the dismissal without prejudice of a petition and for the dismissal with prejudice of a petition that cannot be cured.
- Provides for a summary proceeding at which an administrative law judge may, upon finding no disputed issues of material fact, refer the case back to the agency for disposition on the disputed issues of law.
- An amendment to this bill contains the substance of SB 2240 by Senator Williams, which provides for the nonsubstantive rewrite of the general grants of rulemaking found in the Florida Statutes.

The effective date of this bill is upon becoming law.

**1ST ENG/HB 3077 -- Medicaid Provider Fraud**  
**by Representatives Goode and Dockery** (CS/SB 1192 by Senate Rules and Calendar and Senators Clary, Williams, and Dyer)

Repeals the amendments to § 409.910, F.S., enacted in chapter 94-251, L.O.F.

- Essentially restores to positions held prior to the 1994 amendments, the State and those persons the State commences civil action against for Medicaid fraud.
- Restores certain affirmative defenses normally available to liable third parties

The effective date of this bill is upon becoming law. Its provisions are retroactive to July 1, 1994, except that any action filed prior to March 1, 1998, and any action or matter relating to such action, shall continue to remain covered by the provisions of Ch. 94-251, L.O.F. If any settlement



agreement relating to such action is filed prior to March 1, 1998, and is altered, overturned, or canceled, then the provisions of Ch. 94-251, L.O.F., shall continue to control the proceedings.

**CS/HB 3167 -- Tax Administration**  
**by the Committee on Finance & Taxation and Representative K. Pruitt** (Passed as CS/1ST ENG/SB 498 by Senate Ways and Means and Senator Sullivan)

Authorizes the Department of Revenue to establish a certified audits pilot program. Under this voluntary program, a certified public accountant (CPA) hired by the taxpayer and at the taxpayer's expense, may audit the taxpayer's books and records.

- Establishes a framework for the pilot program, sets forth CPA qualifications and training requirements, and provides conditions for taxpayer participation.
- Provides incentives for taxpayer participation in the program, including removal of the taxpayer from the department's audit pool for the time periods audited, settlement or compromise of penalties, and abatement of the first \$25,000 of any interest liability and 25 percent of any interest liability in excess of the first \$25,000.
- Provides an appropriation of \$264,798 from the Administrative Trust Fund to the department for the administration of this program.
- Provides that the pilot program shall expire on July 1, 2002.

The effective date of this bill is July 1, 1998.

COMMITTEE ON WATER & RESOURCE MANAGEMENT

## **HB 3251 -- Land Use by the Game & Fresh Water Fish Commission**

**by Representative Boyd & others** (SB 470 by Senator Bronson; passed as part of CS/HB 3673 by the House Agriculture Committee and Representative Bronson and also as part of CS/HB 3771 by the House Environmental Protection Committee and Representative Sembler)

Creates a user-pay program to allow public access for hunting, fishing, and other outdoor recreational activities on private land. Provides a viable option for private landowners who wish to open their lands for public recreation, but seek higher compensation than the Game and Freshwater Fish Commission (GFC) is able to pay through the Type I Wildlife Management Area system. With the development of the user-pay program, the GFC is hoping for a change in the trend that has seen more and more landowners leasing to private hunt clubs rather than to the State.

The effective date of this bill is July 1, 1998.

## **CS/CS/1ST ENG/HB 3421 -- Water Control Districts** **by the Committees on General Government Appropriations and** **Water & Resource Management, and Representatives Putnam and** **Feeney** (CS/SB 1596 by Senate Natural Resources and Senator Rossin)

Modifies chapter 298, F.S., which establishes the basic legal and governance framework for water control districts (WCDs). Most of the changes are technical corrections, such as the removal of obsolete language, the clarification of existing provisions, and corrections to cross-references. However, CS/CS/HB 3421 also makes substantive modifications to chapter 298, F.S., including:

- Changes the quorum requirements for holding elections of the board of supervisors which governs a WCD;
- Provides that landowners with more than 1 acre receive one additional vote for any fraction of an acre greater than a half-acre;
- Provides that the boundaries of WCDs created or authorized by special act can only be modified through legislative action whereas the boundaries of WCDs that exist solely by judicial decree can be modified by circuit court decree; and

- Repeals § 298.337, F.S., which requires that WCDs assess fractional acres as a full acre for property tax assessments.

The effective date of this bill is upon becoming a law.

**CS/HB 3439 -- Lake Panasoffkee Restoration Council**  
**by the Committee on Water & Resource Management and**  
**Representative Kelly** (Passed as CS/SB 592 by Senate Natural Resources and Senator Brown-Waite & others)

Creates the seven-member Lake Panasoffkee Restoration Council, comprised of a variety of interest groups and selected by the Sumter County Commission, to: review the various studies and other research already available about the lake; evaluate whether additional studies are needed; explore funding options for cleaning up the lake; and make recommendations to the Southwest Florida Water Management District (SWFWMD) on how best to restore the lake. SWFWMD would be one of six governmental agency representatives on an ad hoc committee that advises the Restoration Council and helps coordinate restoration efforts.

Appropriates to SWFWMD \$45,000 in general revenue to pay expenses incurred by the Restoration Council.

The effective date of this bill is upon becoming a law.

**CS/HB 3485 -- Governor/Powers & Duties**  
**by the Committee on Water & Resource Management and**  
**Representative Safley** (Passed as CS/2ND ENG/SBs 312 and 2298 by Senate Natural Resources and Senators Brown-Waite, Laurent & others)

Prohibits the Governor from nominating for appointment to the Federal Regional Fisheries Management Councils anyone who has served as a lobbyist for any entity whose interests might be affected by a decision of the Council. The term "lobbyist" is defined as any natural person who is

required to register pursuant to § 11.045, F.S., or the equivalent federal statute and who, for compensation, seeks, or sought during the preceding 24 months, to influence the governmental decision making of a reporting individual or procurement employee, as those terms are defined under § 112.3148, F.S., or his or her agency, to encourage the passage, defeat, or modification of any proposal or recommendation by such reporting individual or procurement employee or his or her agency.

The effective date of this bill is January 1, 1999.

**CS/HBs 3503 and 3329 -- Water Resource Management**  
**by the Committee on Water & Resource Management,**  
**Representative Carlton & others** (Passed as CS/SBs 312 and 2298 by  
Senate Natural Resources and Senators Brown-Waite, Laurent & others)

Directs the water management districts (WMDs) or the Department of Environmental Protection (DEP) to encourage the use of water usage from the closest sources, whenever practicable, while still recognizing that remote water transports may be necessary for environmental, economic or technical reasons. Additionally:

- Provides that, when evaluating permit applications to transport and use water across county lines, the WMDs or DEP must consider the proximity of the water source to the area of use, feasible alternatives, potential environmental impacts, the effect on existing and reasonably anticipated sources of water, consultations with affected local governments, and the value of existing capital investments in water-related infrastructure made by the applicant.
- Links the "local sources first" analysis with water supply planning by requiring the WMDs or DEP to use applicable districtwide water supply assessments and regional water supply plans as the basis for the consideration of the above factors.

Exempts from the "local sources first" analysis the Central and Southern Florida Flood Control Project; the West Coast Regional Water Supply Authority; reuse of potable reclaimed water and stormwater; water supplied exclusively for bottled water; water used for electrical power production by an electric utility; transfer and use of water by self-suppliers between contiguous private properties; and any water use

permit application pending as of April 1, 1998, with the Northwest Florida WMD.

The effective date of this bill is October 1, 1998.

**CS/1ST ENG/HB 3779 -- Saltwater Fisheries**  
**by the Committee on Water & Resource Management and**  
**Representatives Kelly and Carlton** (Passed as CS/2ND ENG/SB 1506  
by Senate Natural Resources and Senator Latvala)

Attempts to solve the continuing problems faced by the Marine Fisheries Commission (MFC) and the Department of Environmental Protection (DEP) in enforcing state constitutional restrictions on using certain commercial fishing nets in Florida waters by giving the MFC explicit authority to adopt rules to prohibit the possession and sale of mullet harvested in illegal gill or entangling nets. It also would prohibit vessels of certain lengths to have on board gill or entangling nets, as defined in the state constitution, in statute or in MFC rule, or seines larger than 500 square feet in mesh area. Additionally, the bill:

- Extends the moratorium on issuance of new stone crab endorsements until July 1, 2000; and initiates moratoria on the issuance of new blue crab endorsements and marine life endorsements until July 1, 2002;
- Adds penalties for seafood businesses that sell illegally caught fish and shellfish;
- Repeals a law that limited the designation of mullet as a restricted species only in the fall in Panhandle waters; and
- Re-shuffles the percentages of recreational fishing license revenues between the MFC and marine research, which could result in up to \$300,000 in additional revenue for the MFC.

The effective date of this bill is upon becoming a law.

**CS/1ST ENG/HB 3807 -- Miami River Commission**  
**by the Committee on Water & Resource Management and**  
**Representative Barriero** (SB 1368 by Senator Gutman; passed as part  
of CS/1ST ENG/HB 4027 by the Committee on Water & Resource  
Management and Representative Littlefield)

Establishes the Miami River Commission, comprised of 36 state, regional and Miami area representatives, to serve as the official coordinating clearinghouse for all projects and public policy pertaining to the Miami River. Also provided for in the bill are the purpose, membership, powers and duties of the commission.

The effective date of this bill is upon becoming a law.

**HB 3825 -- Pine Jog Environmental Education Center**  
**by Representative Merchant** (SB 2478 by Senator Rossin)

Provides for the transfer of specific tracts of land from the Board of Trustees of the Internal Improvement Trust Fund to the Florida Atlantic University Foundation. The land is currently part of the Pine Jog Environmental Education Center, and will continue to be used by Florida Atlantic University for that purpose.

The effective date of this bill is upon becoming a law.

**CS/1ST ENG/HB 4027 -- Regional Water Supply Authorities**  
**by the Committee on Water & Resource Management,**  
**Representative Littlefield & others** (CS/SB 1442 by Senate Natural Resources and Senator Latvala)

Provides the statutory changes necessary for local governments in the northern Tampa Bay area to effectuate the governance restructuring of the West Coast Regional Water Supply Authority (WCRWSA), which serves as the primary wholesale supplier of water in the area. Among the modifications to current law:

- Limits, under specific conditions, the ability of member governments of any regional water supply authority, where an interlocal agreement had been signed pursuant to §§ 163.01 and

373.1962, F.S., to challenge decisions through chapter 120, F.S., the Administrative Procedure Act. Included in the interlocal agreements are provisions for member governments to have either waived their rights to challenge or have agreed to participate in alternative dispute resolution.

- Allows for member governments to relinquish to WCRWSA their individual rights to develop potable water sources, without the vote of their electors, except as otherwise provided under the terms of the interlocal agreement.
- Bars member governments from imposing land use restrictions or taxes/fees upon WCRWSA in conjunction with water supply.
- Authorizes WCRWSA to use the powers of Part II of chapter 159, F.S., for the financing of water supply facilities.
- Provides that governmental or quasi-judicial boards or commissions established by local ordinance, general law, or special act, and whose members either serve on, or are appointed by, a member government, may be bound by the dispute resolution procedures set forth in the interlocal agreement.
- Establishes the Miami River Commission (see explanation of CS/1ST ENG/HB 3807 above.)

The effective date of this bill is upon becoming a law.

**1ST ENG/HB 4039 -- State Lands/Special Event Agreements  
by Representative Sanderson (CS/SB 2346 by Senator Campbell)**

Authorizes the Board of Trustees of the Internal Improvement Trust Fund to issue consents of use or leases to riparian landowners and event promoters. The agreements will allow for the installation of temporary structures, such as docks, on sovereign submerged lands for special events. The consents of use or leases are to be for a period not to exceed 30 days.

The effective date of this bill is upon becoming a law.

## **CS/CS/HB 4141 -- Water Resources**

**by the Committees on Environmental Protection and Water & Resource Management, Representative Saunders & others (CS/SB 2356 by Senate Natural Resources and Senator Laurent)**

- Authorizes the South Florida Water Management District (SFWMD) to participate as local sponsor for the Comprehensive Review Study, otherwise known as the Restudy, of the Central and Southern Florida Project for Flood Control and Other Purposes (C&SF Project).
- Assigns to the Joint Legislative Committee on Everglades Oversight the responsibility of monitoring funding and expenditures for all projects and operational changes resulting from the Restudy. The Joint Committee will review the Restudy as an interim project, hold public hearings, and provide written comments to the U.S. Army Corps of Engineers and the SFWMD during the public comment period for the proposed comprehensive plan.
- Requires the SFWMD to obtain legislative authorization, which could be a general appropriation, prior to executing a project cooperation agreement for any project or operational change resulting from the Restudy. The SFWMD would be required to submit certain information, and, during the next Regular Session, the Legislature would have the opportunity to approve, reject, or modify the proposed project or operational change. If the Legislature takes no action, the SFWMD would be allowed to proceed with executing a project cooperation agreement, provided it can meet its financial responsibility without future legislative appropriations.

The effective date of this bill is upon becoming a law.

## **CS/HB 4353 -- Wildlife**

**by the Committee on Water & Resource Management and Representative Littlefield (SB 872 by Senator Kirkpatrick; passed as a part of CS/2ND ENG/HB 3673 by Representative Bronson)**

Provides for modifications of several hunting and fishing permits. The \$10 for 10 days saltwater fishing license is repealed, as is the lifetime sportsman's license for residents 64 years of age and older. A new permanent license for those residents is created. Amends §§ 372.921 and



372.922, F.S., to provide for payment of expenses relative to wildlife seized or taken by the Game and Freshwater Fish Commission. Also amends §§ 372.672 and 372.674, F.S., to allow the Florida Panther Research Management Trust Fund to be used for environmental education programs.

The effective date of this bill is July 1, 1998.

**HB 4409 -- Red Tide Research and Mitigation**  
**by Reps. Bradley and Carlton** (CS/SB 2272 by Senate Natural Resources and Senator McKay; passed as part of CS/2ND ENG/SB 2474 by Senator Lee)

Funding for red tide research is provided for in the General Appropriations Act and in CS/SB 2474. In an amendment to CS/2ND ENG/SB 2474, the additional sum of \$1 million is appropriated from the Coastal Protection Trust Fund to the Department of Environmental Protection for fiscal year 1998-1999. These funds are to be used to provide grants to increase the knowledge of factors that control harmful algal blooms (HABs), including red tide, and to gain knowledge to be used for the early detection of factors precipitating HABs; to accurately predict the extent and seriousness of HABs; and to develop successful control and mitigation of the effects of HABs.

The effective date of this bill is upon becoming a law.

## **HB 4561 -- Marine Fisheries**

**by Water & Resource Management Committee and Representative Carlton (CS/SB 1084 by Senate Natural Resources and Senator Latvala)**

A product of the Joint House/Senate Interim Project on Agency Review and Prioritization, the bill removes obsolete, duplicative and confusing language within chapter 370, F.S., related to saltwater fisheries. Additionally, the bill:

- Combines the various penalty and enforcement sections into one section.
- Deletes conflicting penalties for illegal snook harvest.
- Clarifies inventory paperwork requirements of seafood dealers selling spiny lobster.

The effective date of this bill is upon becoming a law.

## **HB 4791 -- Marine Resources/Rulemaking**

**by the Committee on Water & Resource Management and Representative Carlton (Passed as CS/SB 1440 by Senate Natural Resources and Senator Latvala)**

An omnibus administrative procedures cleanup bill, this legislation is largely a combination of HB 4791, CS/HB 1509, CS/SB 1506 and CS/SB 2240. Specifically, the bill:

- Gives the Department of Environmental Protection (DEP) the authority to adopt rules related to: the issuance of special activity licenses for the capture of saltwater species to be used as brood stock for aquaculture purposes; the administration of a special activity license program, and the relocation of marine turtles, their nests, eggs and hatchlings for conservation purposes. These provisions satisfy the requirements of § 120.536, F.S., which specifies that agency rules which lack specific legislative authority may be shielded from administrative challenge until July 1, 1999, if the agency submits them on a list to the Legislature and persuades the Legislature to adopt enabling law. (Note: A different version of the aquaculture special activity license language was passed in CS/2ND ENG/HB 3673.)

- Codifies certain provisions in the uniform rules of administrative procedures relating to petitions requirements, such as: requiring a more precise statement of revised agency action by the petitioner in the demand for relief; requiring agencies to review petitions for completeness pursuant to certain statutory standards; and providing that where an Administrative Law Judge (ALJ) makes a determination that no disputed issues of material fact exist, the case may be returned to the agency for informal hearing for resolution. It also bars the submittal of any additional issues of disputed material fact if such issues were not initially brought before the ALJ.
- Amends more than 200 sections of law in order to standardize the language allowing general grants of rulemaking authority to various agencies. An interim project of the Joint Administrative Procedures Committee, the bill eliminates unnecessarily broad grants of general rulemaking authority while retaining an agency's essential authority to adopt rules. The bill does not enlarge agency rulemaking authority nor is it intended to diminish existing agency rulemaking authority.
- Gives the Marine Fisheries Commission (MFC) explicit authority to adopt rules to prohibit the possession and sale of mullet harvested in illegal gill or entangling nets. It also would prohibit vessels of certain lengths to have on board gill or entangling nets, as defined in the state constitution, in statute or in MFC rule, or seines larger than 500 square feet in mesh area.

The effective date of this bill is upon becoming a law.

**1ST ENG/SB 1436 -- Water/Wastewater Facility/RAB**  
**by Senator Latvala (no House companion)**

Provides the necessary rulemaking authority for the Department of Environmental Protection (DEP) to set the criteria for categorizing water and wastewater treatment plants, and to establish the levels of

certification and staffing required to operate the various categories of facilities.

The effective date of the bill is upon becoming a law.